

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AURELIO VALENCIA,

Plaintiff,

**ORDER**

13 CV 6128 (ARR) (CLP)

-against-

P.O. CHRISTOP ALAZRAKI, Shield #: 11753,  
P.O. JOHN-PATRICK HARRIGAN, Shield #: 822,  
P.O. JOHN DOE (S) and CITY OF NEW YORK,

Defendants.

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**POLLAK**, United States Magistrate Judge:

The above-captioned case is scheduled for trial beginning on January 8, 2018. This Court has issued multiple subpoenas Ordering Sahara Batista, a third party witness, to appear at previously-scheduled depositions.<sup>1</sup> Ms. Batista failed to appear at these depositions. However, the parties still seek to depose Ms. Batista and/or to use her testimony at trial.

Due to the timeline of trial in this case, on January 3, 2018, the Court held a Telephone Conference with the parties and Ms. Batista. During the Telephone Conference, Ms. Batista indicated her availability to be deposed at her home at **6:00 p.m. on Friday, January 5, 2018.**

Ms. Batista is currently in contempt of court for failing to appear at this Court's September 23, 2016 Show Cause hearing. The Court has notified Ms. Batista that **the Court has issued a warrant authorizing the United States Marshal to arrest her.** The Court also notified Ms. Batista that the Court has stayed the warrant's execution to allow Ms. Batista to appear voluntarily at Friday's

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<sup>1</sup>See, e.g., March 14, 2016 Order; June 2, 2016 Order; September 8, 2016 Order.

deposition.

If Ms. Batista fails to appear at her deposition, the Court will **immediately direct the United States Marshals to arrest Ms. Batista and bring her before this Court to explain her failure to appear.**

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

**SO ORDERED.**

Dated: Brooklyn, New York  
January 3, 2018

 /s/ Cheryl L. Pollak  
Cheryl L. Pollak  
United States Magistrate Judge  
Eastern District of New York